

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Muneef Halawa	Team: Squad #10	CCRB Case #: 201802260	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/08/2018 5:26 PM	Location of Incident: West Gun Hill Road and Jerome Avenue	Precinct: 52	18 Mo. SOL 9/8/2019	EO SOL 9/8/2019	
Date/Time CV Reported Thu, 03/22/2018 11:53 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 03/22/2018 11:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Felice Martino	07419	960892	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Paul White	25819	947872	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Felice Martino	Off. Language: Police Officer Felice Martino made remarks to § 87(2)(b) based upon race.	

### Case Summary

On May 22, 2018 § 87(2)(b) filed this complaint via the CCRB's website.

On March 8, 2018, at approximately 5:26 p.m., § 87(2)(b)'s vehicle was stopped by PO Martino and PO Paul White of the 52<sup>nd</sup> Precinct in the vicinity of West Gun Hill Road and Jerome Avenue in the Bronx. As the officers walked back to their patrol car, PO Felice Martino allegedly called § 87(2)(b) a "silverback monkey." **(Allegation A: Offensive Language, § 87(2)(g))** PO White issued § 87(2)(b) a summons for § 87(2)(b) **(Board Review 07)**.

There is no video evidence in this case.

### Findings and Recommendations

#### **Allegation A - Offensive Language: PO Felice Martino made remarks to § 87(2)(b) based upon race.**

It is undisputed that PO Martino and PO White stopped § 87(2)(b) in her vehicle for driving without wearing a seatbelt. It is also undisputed that § 87(2)(b) yelled at PO Martino and PO White and accused them of lying.

§ 87(2)(b) (Board Review 01) acknowledged speaking in a loud manner and said she accused both PO Martino and PO White of lying about her committing the alleged violation. § 87(2)(b) stated that she requested the officers' names and shield numbers and wrote the information down. § 87(2)(b) stated that as the officers walked back to their patrol car, PO Martino allegedly called her a "silverback monkey." § 87(2)(b) stated that she was alone in her vehicle and there were no witnesses.

PO Martino (Board Review 02) stated that § 87(2)(b) yelled at him and at PO White, accused them of lying, and requested their names and shield numbers. PO Martino and PO White verbally provided their information. PO Martino stated that PO White handed § 87(2)(b) the summons and explained that she could dispute the summons in court. PO Martino denied making any statements to § 87(2)(b) based on her race or ethnicity. PO Martino denied calling § 87(2)(b) a "silverback monkey." PO Martino denied hearing PO White call § 87(2)(b) a "silverback monkey." Both officers returned to their patrol car and left the scene.

PO White's statement was entirely consistent with PO Martino's (Board review 03).

§ 87(2)(g)  
§ 87(2)(g)  
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### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 04).
- PO Martino has been a member of service for two years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On May 22, 2018, a request was sent to the NYC Comptroller's office to confirm if a notice of claim was filed. Results are pending (Board Review 06).

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Squad No.: 10

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date